

Much has been accomplished by the Fire Administration, but the record of fire death rates and property loss in the Nation reveals that much remains to be done. I believe this bill will give the Fire Administration the resources needed to allow it to continue to excel.

S. 1231 will not support just another bureaucratic program. The very small expenditure of funds provided by the Fire Administration will be used to improve the skills of firefighters and emergency response personnel, to increase public awareness of fire safety, and to improve the equipment available for suppressing fires and protecting firefighters.

In short, the program, sponsored by the Fire Administration, will increase the level of excellence of a national service that is critical to every one of us. The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety.

I would like to commend the majority members of the Committee on Science once again for working in a bipartisan way with the minority to develop the House companion bill to S. 1231. Mr. Speaker, I fully support S. 1231, and recommend the measure to the House for its favorable consideration.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 1231.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

STANISLAUS COUNTY, CA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 112) to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The Clerk read as follows:

H.R. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as "NASA") shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the

NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) Notwithstanding any other provision of law, the conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 112.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the same version of this bill passed this House last year under suspension of the rules. H.R. 112 requires the Administrator of NASA to convey to Stanislaus County, California, the property known as the NASA Ames Research Center, Crows Landing Facility. Under this bill NASA shall retain the right to use this property for aviation activities.

In March of this year, NASA conducted a review of its field activities to identify potential closures which would reduce operational costs. As a result of this effort, NASA decided to cease op-

erations at the NASA Crows Landing Facility in order to lower overhead burdens and eliminate operations costs.

This excess Federal property is ideal for use by Stanislaus County for economic development. It is a win-win arrangement for the Federal Government and the local government of California, and I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CRAMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to rise in support of H.R. 112. I thank the chairman of the committee for making sure that this important piece of legislation made it to the floor here at the concluding hours.

This is a noncontroversial measure, as the chairman has indicated. It simply allows the Administrator of NASA to transfer this land to the Stanislaus County, California, government there. The land had been previously owned by the Navy and then transferred to NASA. NASA indicates that it has no further use for this particular parcel, except that it would like to reserve the right to use it for aviation purposes. H.R. 112 does allow the NASA Administrator to preserve that right, and as well, to review to see that there are any other interests that would be in the best interests of the government.

So I agree with the chairman, this is a win-win situation for the Federal Government, for the county government there in California, and I urge Members to suspend the rules and pass H.R. 112.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 2200

AUBURN INDIAN RESTORATION AMENDMENT ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1805) to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes.

The Clerk read as follows:

H.R. 1805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auburn Indian Restoration Amendment Act".

SEC. 2. RESTRICTIONS ON GAMING.

Section 202 of the Auburn Indian Restoration Act (25 U.S.C. 1300l) is amended by adding at the end the following new subsection:

"(g) GAMING.—

"(1) Class II and class III gaming activities shall be lawful only on one parcel of land, which shall be taken into trust for the Tribe pursuant to section 204(a)(1), but only if—

"(A) prior to the time such parcel is taken into trust, the Tribe and the local government of the political jurisdiction in which the parcel is located have entered into a compact as required by section 204(e);

"(B) the gaming facility and related infrastructure on such parcel of land are located at least 2 miles from any church, school, or residence which was constructed in a residential zone and which existed on the date of the introduction to the House of Representatives of the Auburn Indian Restoration Amendment Act (June 5, 1997);

"(C) such parcel of land is specifically taken into trust for class II and class III gaming activities; and

"(D) such parcel of land is not part of the land identified in section 204(b).

"(2) If the State of California finds that class III gaming activities have been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, the State may institute an action in a court of competent jurisdiction for injunctive relief to enjoin all class II and class III gaming activities. If a court of competent jurisdiction determines, by a preponderance of the evidence, that Class III gaming activity has been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, all Class II and Class III gaming activities shall be unlawful on land held in trust for the Tribe and any such activities may be enjoined by such court. The Tribe shall not raise sovereign immunity as a defense to any such action or to the enforcement or execution of a judgment resulting from such action.

"(3) Except as provided herein, nothing in this Act shall negate or diminish in any way the Tribe's obligation to comply with all provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)."

SEC. 3. RESTRICTIONS ON LAND TO BE HELD IN TRUST.

(a) **LANDS TO BE TAKEN INTO TRUST.**—Section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 1300l-2) is amended to read as follows:

"(a) **LANDS TO BE TAKEN INTO TRUST.**—(1) Upon request of the tribe, the Secretary shall accept forthwith for the benefit of the Tribe any real property located in Placer County, California, if—

"(A) the property is conveyed or otherwise transferred to the Secretary;

"(B) at the time of the conveyance or transfer pursuant to subparagraph (A), there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed; and

"(C) prior to the Secretary accepting the property the Tribe was in compliance with section 202(g)(1) and 202(g)(3), and subsections (d) and (e) of this section.

"(2) The Secretary may accept, subject to the provisions of this Act, any additional acreage in the Tribe's service area pursuant to the authority of the Secretary, for non-gaming related activities or nonresidential purposes under the Act of June 18, 1934 (25 U.S.C. 461 et seq.), provided that the primary

function of such additional acreage shall not be the furtherance of gaming activities."

(b) **USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.**—Section 204 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-2) is amended by adding at the end the following new subsections:

"(d) **USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.**—(1) A parcel of real property taken into trust for the Tribe pursuant to the provisions of section 204(a) (1) or (2), for purposes other than class II or class III gaming activities, may only be used and developed in a manner consistent with and in compliance with all general and community plans and zoning ordinances of the local government of the political jurisdiction in which the land to be taken into trust is located which are in effect at the time that the land is taken into trust, and any other provisions agreed to in the compact required by subsection (e).

"(2)(A) In addition to the former trust lands referred to in subsection (b), the Tribe may acquire one parcel of land for residential purposes pursuant to section 204 (a)(1) and (d)(1).

"(B) Any additional real property taken into trust for the Tribe for residential purposes pursuant to section 204 (a)(2) and (d)(1) shall be contiguous to the initial parcel.

"(C) Except as provided in subsection (b), the Secretary shall not take any real property into trust for residential purposes for individual members of the Tribe.

"(e) **COMPACT REQUIRED.**—(1) After the date of the enactment of the Auburn Indian Restoration Amendment Act, the Secretary shall not take any land into trust for the Tribe until the Tribe and the local government of the political jurisdiction in which the land to be taken into trust is located have entered into a written compact, which the parties shall negotiate in good faith and in a timely manner, and which shall include provisions relating to—

"(A) location and permissible use of the land to be taken into trust;

"(B) an agreed upon environmental study which provides for the mitigation of any environmental impacts of the proposed development and uses of the land to be taken into trust, and that any mitigation required shall be similar in scope and content to that which would be required of other non-tribal applicants in the local government of the political jurisdiction;

"(C) law enforcement jurisdictional responsibilities and other public services to be provided on the land, consistent with other Federal laws, including any reasonable compensation to the local government of the political jurisdiction for the services and impacts;

"(D) the impact of the removal of the land from the tax rolls;

"(E) building and design standards for any structures proposed to be built on the land, including provisions that such structures shall be built in accordance with standards similar in scope and content to those required of non-tribal applicants in the local jurisdiction; and

"(F) such additional matters as the parties may agree.

"(2) The local government of the political jurisdiction in which the land to be taken into trust is located shall—

"(A) provide notice of the Tribe's proposal and the terms of the local compact to the public, the State, and the governing bodies of any other local governments in Placer County, California;

"(B) provide the recipients of the notice given under subparagraph (A) with a period of 45 days in which to provide comments; and

"(C) take comments provided under subparagraph (B) into consideration and address them before entering into a local compact.

"(3) The Tribe and the local jurisdiction shall negotiate the compact required by this subsection in good faith.

"(f) **BINDING ARBITRATION.**—(1) If a dispute arises regarding—

"(A) the non-compliance of the Tribe or the local jurisdiction with subsection (e)(3);

"(B) the terms of a compact negotiated pursuant to subsection (e); or

"(C) the alleged violation of a compact negotiated pursuant to subsection (e),

the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located may submit the dispute to binding arbitration under the United States Arbitration Act (9 U.S.C. 1 et seq.). The Tribe shall not raise sovereign immunity as a defense to arbitration or the enforcement of any arbitration award or any judgment based thereon, and all parties expressly agree to comply with such awards and judgments.

"(2) If the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located elects to submit a dispute to arbitration pursuant to paragraph (1), an arbitration board shall be established to conduct the arbitration and shall consist of—

"(A) one independent member selected by the Tribe;

"(B) one independent member selected by the local government of the political jurisdiction in which the land relevant to the dispute is located; and

"(C) one member selected by the members selected pursuant to subparagraphs (A) and (B). If the members selected pursuant to subparagraphs (A) and (B) are unable to agree upon a third member within 20 days after selection of the other members, the presiding judge of the Placer County Superior Court shall select the third member.

"(3) The costs of an arbitration proceeding under this subsection, not including attorneys' fees, shall be awarded to the prevailing party in the arbitration as determined by the arbitration board.

"(4) The decision of the arbitration board shall be final and implemented subject only to judicial review as provided for in the United States Arbitration Act (9 U.S.C. 1 et seq.).

"(g) **TERMS ENFORCEABLE.**—The terms of subsections (d) and (e) are specifically enforceable in a court of competent jurisdiction by the Tribe and the local government of the political jurisdiction in which the land relevant to a dispute is located against the other. The Tribe shall not raise its sovereign immunity as a defense to such an action or the enforcement or execution of any judgment resulting from such action."

SEC. 4. DEFINITIONS.

Section 208 of the Auburn Indian Restoration Act (25 U.S.C. 1300l-6) is amended by adding at the end the following new paragraphs:

"(8) The term 'class II gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

"(9) The term 'class III gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)."

The **SPEAKER pro tempore** (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1805, the proposed Auburn Indian Restoration Act, would impose

various State and local limitations, zoning requirements, and restrictions on gaming activities of the United Auburn Indian Community. It would also impose certain restrictions on lands to be taken into trust for the community for gaming as well as nongaming purposes.

The chairperson of the United Auburn Indian Community, Jessica Tavers, in a letter to me dated September 15, 1997, stated that, "United Auburn Indian Community has thoroughly reviewed H.R. 1805 and wishes to inform the committee that we have no opposition to this bill. Indeed, we believe that the measure sets fair standards and a workable mechanism for the resolution of any differences between the tribe and Placer County, where the tribe resides."

I urge my colleagues, Mr. Speaker, to support this legislation. I move that the bill be passed.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 1805.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATER-RELATED TECHNICAL CORRECTIONS ACT OF 1997

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2402) to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States, as amended.

The Clerk read as follows:

H.R. 2402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water-Related Technical Corrections Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Reduction of waiting period for obligation of funds provided under Reclamation Safety of Dams Act of 1978.
- Sec. 3. Albuquerque Metropolitan Area Reclamation and Reuse Project.
- Sec. 4. Phoenix Metropolitan Water Reclamation and Reuse Project.
- Sec. 5. Refund of certain amounts received under Reclamation Reform Act of 1982.
- Sec. 6. Extension of periods for repayments for Nueces River reclamation project and Canadian River reclamation project, Texas.
- Sec. 7. Solano Project Water.
- Sec. 8. Use of distribution system of Canadian River reclamation project, Texas, to transport nonproject water.

Sec. 9. Olivenhain Water Storage Project loan guarantee.

Sec. 10. Fish passage and protective facilities, Rogue River Basin, Oregon.

SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.

Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain" and inserting "30 calendar days".

SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.

Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992, as added by section 2(a)(2) of the Reclamation Recycling and Water Conservation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h-12g), is amended—

(1) in the heading by striking "STUDY" and inserting "PROJECT"; and

(2) in subsection (a)—

(A) by inserting "the planning, design, and construction of" after "participate in";

(B) by striking "Study" and inserting "Project"; and

(C) by inserting "and nonpotable surface water" after "impaired groundwater".

SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.

Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h-6) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.";

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

SEC. 5. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to subsection (b) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(b) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of \$260 for each occurrence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000.

SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.

Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104-318; 110 Stat. 3862)

is amended by adding at the end the following new subsection:

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14-06-500-485, relating to the Canadian River reclamation project, Texas, until October 1, 2021."

SEC. 7. SOLANO PROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California; and

(2) the exchange of water among Solano Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

SEC. 8. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

"SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97-AG-60-09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

"(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project."